HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.17763 of 2007

23.8.2007

Between

Smt.Gopalapuram Eswaramma ..Petitioner

AND

The Agency Divisional Officer, Kothagudem, Khammam District and others ..Respondents

:: JUDGMENT :

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.17763 of 2007

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

Against an order passed by the Agency Divisional Officer, Kothagudem in L.T.R. Case No.85/07/Yellandu, an Appeal has been preferred under Section 8 of the Andhra Pradesh Scheduled Area Land Transfer Regulations before the Agent to the Government at Khammam. In pursuance of the powers conferred upon the Agent to delegate the consideration of the Appeal, the Appeal preferred by the writ petitioner herein along with the Interlocutory Application had been transferred to the Additional Agent to the Government who is incidentally the Project Officer of the Integrated Tribal Development Authority, Bhadrachalam for consideration and disposal. Orders to this effect have been passed by the Agent to the Government on 25.7.2007, but however, the Additional Agent to the Government/Project Officer, I.T.D.A., Bhadrachalam had not entertained the Appeal or the Interlocutory Application moved therein and consequently, the petitioner claims that she is subjected to tremendous pressure by the Agency Divisional Officer, Kothagudem to vacate and hand over the possession of the schedule land. Hence, this writ petition.

Once an Appeal is preferred to the Agent to the Government which was later on delegated to the Additional Agent to the Government, it is only expected that it is attended to at the earliest convenient time. If the Appeal itself cannot be decided, the Interlocutory Application moved by the parties

seeking urgent interim orders could be attended to in the meantime. It is no doubt true that the Additional Agent of the Government/Project Officer, I.T.D.A., Bhadrachalam may be preoccupied with more pressing and important public duties, but that is no justification for not entertaining the Appeals transferred to him for months together.

In these set of circumstances, I consider it appropriate to direct the Additional Agent to the Government/Project Officer, I.T.D.A., Bhadrachalam to entertain, hear and decide the Appeal preferred against the orders of the Agency Divisional Officer, Kothagudem dated 27.6.2007 on or before 30th June, 2008. Till such time, there shall be stay of dispossession in favour of the writ petitioner, if not already dispossessed from the schedule land. It is however open to the Additional Agent to the Government to independently consider the Interlocutory Application moved by the writ petitioner herein and decide the same on merits even before he decides the Appeal preferred to him.

With this, the writ petition stands disposed of.

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NOOTY RAMA MOHANA RAO.J.

23.8.2007
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